

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JERRY MEANS,

Plaintiff,

v.

Case No. 09-C-639

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

ORDER

Plaintiff Means has filed a letter seeking reconsideration of this Court's dismissal of his action on *Heck v. Humphrey* grounds. The letter argues that he should have been allowed to present evidence and states that he is entitled to be heard and to have counsel appointed.

The request will be denied. The dismissal was not based on the merits of any argument Plaintiff might have but on the procedural basis cited in the dismissal order. Simply put, Plaintiff may not bring a lawsuit for damages or other § 1983 relief until he has first had the decision placing him in custody overturned. In other words, a § 1983 lawsuit in federal court is not the proper forum to hear Plaintiff's dispute at this time.

The request for reconsideration is, therefore, **DENIED**.

Dated this 28th day of July, 2009.

s/ William C. Griesbach
William C. Griesbach
United States District Judge